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OFFICE OF PETITIONS

In re Application of :
Denny Jaeger :
Application No. 09/928,726 :
Filed: August 13, 2001 :
Attorney Docket No. 4143/CIP-3 :
ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 8, 2006.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the final Office action mailed January 6, 2004, which set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on April 7, 2004. A Notice of Abandonment was mailed on September 14, 2004. Applicant filed a petition to withdraw the holding of abandonment on September 24, 2004. However, the petition was dismissed in a decision mailed on October 30, 2006. The petition lacked a signature in accordance with 37 CFR 1.4(d).

With the instant petition, petitioner argues that he timely filed a reply to the final Office action on January 23, 2004. In support thereof, petitioner has supplied a copy of a USPTO date stamped, itemized postcard receipt, itemizing an amendment and bearing a USPTO date stamp of January 23, 2004.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, the holding of abandonment is WITHDRAWN.

The file is being forwarded to Group Art Unit 2674 for consideration of the amendment filed January 23, 2004 (a copy of which was supplied with the earlier filed petition and the instant renewed petition).

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions